

# ***Law Offices of Gregory J. Vogt, PLLC***

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April 1, 2011

## **EX PARTE PRESENTATION**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: Sandwich Isles Communications, Inc., Petition for Declaratory  
Ruling, WC Docket No. 09-133

Dear Ms. Dortch:

This letter is to inform you that on March 31, 2011, Regina McNeil, Joe Douglas, Jeff Dupree, all of National Exchange Carrier Association, Inc. ("NECA"), and I, met with Austin Schlick, General Counsel, Sharon Gillett, Chief, Wireline Competition Bureau, Diane Griffin Holland, Pamela Arluk and Jennifer Prime, in the above-captioned matter.

NECA reiterated the positions that it has already placed in the record in the above-captioned proceeding as follows. The Wireline Competition Bureau issued an order which found that NECA had acted reasonably in limiting the costs to be included in the NECA traffic sensitive pool, but the Bureau exercised its equitable discretion under the used and useful doctrine to require NECA to include 50 percent of the disputed costs in the pool. NECA is now complying with the Bureau order.

Sandwich Isles Communications, Inc. ("SIC") filed a petition for reconsideration of that Bureau order seeking an order requiring NECA to include 100 percent of the undersea cable and related costs in the NECA pool. AT&T, Inc. filed an application for review seeking to overturn the Bureau order and include none of these costs. For the first time in its petition for reconsideration, SIC raised issues with respect to the applicability of a NECA cost accounting guideline called the Spare Fiber Guidelines, which SIC and its consultant has been aware of since 2004. Such guidelines are now irrelevant because the Bureau's order would supersede any NECA cost accounting guideline in this case. Such guidelines have been available to SIC and its consultant since 2005 and SIC may permit its attorneys to access these guidelines in the same way that SIC accesses them.

***Law Offices of Gregory J. Vogt, PLLC***

Marlene H. Dortch  
April 1, 2011  
Page 2

NECA reiterated that it will comply with any Commission order that is issued in this matter.

Pursuant to 47 C.F.R. § 1.1206, please include this ex parte filing in the above-referenced docket.

Sincerely,

/s/ Gregory J. Vogt

Gregory J. Vogt  
Counsel for National Exchange Carrier Association, Inc.

cc: Austin Schlick  
Sharon Gillett  
Diane Griffin Holland  
Pamela Arluk  
Jennifer Prime